

DOCKET FILE COPY  
ORIGINAL

FCC MAIL SECTION

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JUL 6 2 52 PM '93  
FCC 93-284

In the Matter of )  
 )  
Rules For the Filing of International )  
Circuit Status Reports. )

DISPATCHED BY  
CC Docket No. 93-157 ✓

**NOTICE OF PROPOSED RULE MAKING**

Adopted: June 2, 1993

Released: July 2, 1993

Comment Date: September 1, 1993  
Reply Date: October 1, 1993

By the Commission:

**I. INTRODUCTION**

1. By this Notice of Proposed Rule Making (NPRM) we seek comment on our proposals to: (1) codify in the Commission's Rules, requirements for the filing of international circuit status reports;<sup>1</sup> (2) reduce the frequency of filing such reports from monthly to annually; (3) require all facilities-based<sup>2</sup> international carriers to file such reports; (4) provide for a filing manual with reporting instructions; (5) specify a format for the filing of those reports; and (6) require the filing of such reports on computer diskettes.

**II. BACKGROUND**

2. Monthly circuit status reports have been filed by certain United States international facilities-based common carriers since the early 1970's. When the reports were first filed, all of the then existing United States international carriers filed reports. However, over the years, new entities which became facilities-based United States international common carriers were not requested to file monthly circuit status reports. As a result, at present, only some of the facilities-based United States international carriers file such

---

<sup>1</sup> Generally, monthly circuit status reports indicate, on a country-by-country basis: (1) the number of circuits in each transmission facility an international carrier has activated for international message telephone, private line and telegraph grade services; (2) the number of idle circuits; (3) and the total number of circuits authorized or activated. Some carriers' reports provide additional information.

<sup>2</sup> For the purposes of this proceeding, we shall define facilities-based common carriers as those international common carriers which acquire international transmission facilities on an ownership or indefeasible right of use basis or lease satellite capacity from Comsat or a separate satellite system.

reports.<sup>3</sup> Because no format for the reports was specified in the early 1970's, the carriers file the reports using a variety of formats. The reports are filed on paper only.

### III. DISCUSSION

3. Our regulation of international common carrier facilities and services has changed radically since the early 1970's when the monthly circuit status reports were first filed. For example, no longer does the Commission specify cable-satellite circuit fill formulas for the international carriers as it did in the early 1970's.<sup>4</sup> We also have streamlined regulation of non-dominant international common carriers.<sup>5</sup> Thus, while we continue to find the information provided by the monthly circuit reports useful in discharging our Section 214 obligations, we find that we no longer require that this information be filed monthly. The circuit status reports continue to be used to determine use of existing international submarine cable and satellite facilities as a part of the assessment of the need for new cable and satellite facilities when considering applications for such facilities. In addition, the circuit status reports are used to determine whether a carrier is providing direct or indirect service to countries. The circuit status reports also continue to be used to assess industry trends in the use of international transmission facilities. We find that these uses for the information provided by the monthly circuit reports can be satisfied by submission of those reports once a year. Therefore, we propose to require that circuit status reports be filed only annually. We further propose that the circuit reports be filed on or before March 31 of each year and provide the circuit status information specified hereinafter as of December 31 of the immediately preceding year. We request comments on this and alternative proposals.

4. We believe that the information provided by the circuit status reports will be more useful if those reports provide industry-wide data on

---

<sup>3</sup> At present, American Telephone and Telegraph Company (AT&T), Communications Satellite Corporation (Comsat), GTE Hawaiian Telephone Company, Inc. (HTC), MCI International, Inc. (MCII), TRT/FTC Communications, Inc. (TRT/FTC), U.S. Sprint Company, L.P. (Sprint) and Worldcom Inc. (Worldcom) file monthly circuit status reports.

<sup>4</sup> The last of the cable-satellite fill formulas was abolished in 1987. See Distribution of U.S. Carrier Circuits, 3 FCC Rcd 2156 (1988).

<sup>5</sup> See International Carrier Policies, 102 FCC 2d 812 (1985), recon. denied 60 R.R. 2d 1435 (1986).

international facilities use. Having industry-wide data will allow us to better assess the need for additional facilities, the growth of international facilities and industry trends in the use of those facilities. Therefore, we also propose to require all facilities-based international common carriers to file annual circuit status reports. We request comments on this and alternative proposals.

5. We also find that our use of the information provided by the reports can be made more efficient if we now specify a format for the reports and require that they be filed on computer diskettes. These changes will allow us easily to combine data from the various carriers reports and to derive regional facilities use from the reports. The variety of formats used for the current reports and the lack of a machine readable format makes such activities very tedious at the present time.

6. We propose to direct the Chief, Common Carrier Bureau to prepare and issue a filing manual containing the reporting requirements and other instructions to be used by facilities-based international common carriers to prepare their reports. The manual will describe in detail the reporting requirements, the format to be used and clarify definitions to ensure that the information provided by the carriers is comparable. While we shall leave the specifics of the information to be filed to be specified by the Chief, Common Carrier Bureau in the filing manual, we anticipate that the circuit status reports will continue to provide, at a minimum, information, on a country-by-country basis, indicating the number of circuits in each transmission facility an international facilities-based carrier has activated for each of the specified services, the total number of circuits activated and the number of idle circuits. We request comments on these proposals.

#### IV. CONCLUSION

7. In this Notice of Proposed Rule Making we tentatively conclude that the public interest will be served by codifying the requirement for the filing of circuit status reports, reducing the frequency of filing those reports, requiring all facilities-based international common carriers to file such reports and by specifying in a filing manual to be developed by the Chief, Common Carrier Bureau a common format for the filing of those reports. We request comments on the proposals set forth in Appendix B and encourage participation by the international common carriers and other interested parties.

#### V. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED, pursuant to Sections 4, 214, 219, 303(r) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§154, 214, 219, 303(r) and 403, that NOTICE IS HEREBY GIVEN of the proposed regulatory action described above and in Appendix B and that COMMENT IS SOUGHT on these proposals.

9. The Secretary shall serve a copy of this Notice of Proposed Rule Making on the Small Business Administration.

10. For further information on this item contact Robert E. Gosse,  
Attorney, Common Carrier Bureau, (202) 632-7834.

FEDERAL COMMUNICATIONS COMMISSION

*William F. Caton*  
William F. Caton  
Acting Secretary

## **APPENDIX A**

### **Procedural Matters**

#### **Ex Parte Rules - Non-Restricted Proceeding**

This is a non-restricted notice and comment rule making proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 C.F.R. Sections 1.1202 1.1203, and 1.1206(a).

#### **Initial Regulatory Flexibility Act**

This rule making proceeding is initiated to obtain comment regarding the Commission's proposal to reduce the requirement for filing circuit status reports from monthly to annually, to specify a format for the filing of such reports and to require all facilities-based international carriers to file such reports.

#### **Objectives**

The Commission seeks to evaluate the filing of circuit status reports by facilities-based international common carriers in light of the reductions and streamlining of regulatory requirements which have occurred since such reports were instituted.

#### **Legal Basis**

The proposed action is authorized under section 4, 214, 219 303(r) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§154, 214 219, 303(r) and 403.

#### **Reporting, Recordkeeping and Other Compliance Requirements**

The actions proposed in this Notice of Proposed Rule Making will affect both large and small international facilities-based common carriers. The burden will be significantly reduced for carriers presently filing circuit status reports because of the reduction of the frequency of those reports from monthly to annually. However, some entities not now filing circuits status reports would be required to file such reports by the proposed action. Approximately 50 additional facilities-based international common carriers would be required to file annual circuit status reports. It is not estimated that the filing of annual circuit status reports will be a significant economic burden on facilities-based international common carriers.

#### **Federal Rules That Overlap, Duplicate or Conflict With These Rules**

None.

#### **Description, Potential Impact, and Number of Small Entities Involved.**

The proposals discussed in this Notice of Proposed Rule Making primarily

will reduce regulatory requirements on facilities-based international common carriers by reducing the frequency of filing circuit status reports from twelve per year to one per year. Some facilities-based international carriers not now filing circuit status reports will be required to file such reports. Copies of this Notice will be sent to the Chief Counsel for Advocacy of the Small Business Administration.

**Any Significant Alternatives Minimizing the Impact of Small Entities Consistent with the Stated Objectives**

The Notice of Proposed Rule Making solicits comments on a variety of alternatives to achieve Commission objectives.

**Paperwork Reduction**

The proposals suggested impose reporting requirements on additional entities. We recognize the implementation of any such requirements will be subject to review of the Office of Management and Budget (OMB). Copies of this Notice will be sent to OMB.

**Comment Dates**

Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§1.415 and 1.419, interested parties may file comments on or before September 1, 1993, and may file reply comments on or before October 1, 1993. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments and supporting comments. If you want each Commission to receive a personal copy of comments, you must file an original plus nine copies. You should send comments and reply comments to: Office of the Secretary, Federal Communications Commission, Washington, D. C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room of the Federal Communications Commission, 1919 M St., N.W., Washington, D. C. 20554

## **APPENDIX B**

### **Proposed Rule**

Part 43 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 43 continues to read as follows:

**AUTHORITY:** Secs. 4, 48 Stat/ 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

New Section 43.82 is added to read as follows:

#### **§ 43.82 International Circuit Status Reports.**

(a) Each facilities-based common carrier engaged in providing international telecommunications service between the area comprising the continental United States, Alaska, Hawaii, and off-shore U.S. points and any country or point outside that area shall file a circuit status report not later than March 31 each year showing the status of its circuit used to provide international services as of December 31 of the previous year.

(b) The circuit status reports filed shall include information, on a country-by-country basis, indicating the number of circuits in each transmission facility used to serve a country a facilities-based international carrier has activated for each of the specified services, the total number of circuits activated and the number of idle circuits.

(c) The information required under this section shall be furnished in conformance with instructions and reporting requirements prepared by the Chief, Common Carrier Bureau.

(d) Authority is hereby delegated to the Chief, Common Carrier Bureau to prepare instructions and reporting requirements for the filing of the annual international circuit status reports.